

Application No. 09/454,770
Reply to Office Action of December 6, 2005

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Docket No.: 02849/000G277-US0

REMARKS

This Amendment responds to the Office Action mailed on December 3, 2005. Claims 1-10 are pending in this application. Claim 1 has been amended and new claim 40 has been added.

Prosecution of this application was reopened further to a Notice of Appeal and Appeal Brief submitted by Applicant. In the outstanding Office Action, the Examiner rejects claims 1-6 as being anticipated over newly cited Tsukuda, U.S. Patent No. 6,085,170), and claims 7-10 as being obvious in view of Tsukuda. Applicant respectfully traverses the rejection of each of these claims.

Tsukuda describes a system that manages the delivery of parcels in respect of the schedules of entered by both the purchaser and the goods distributor (see, e.g., Fig. 1, steps 101 and 102). In the first and third embodiments described by Tsukuda, the process has delivery through agents and does not utilize secure receptacles at all. In respect of the second embodiment, a locked-box is used for package deliveries. Accordingly, the only portions of Tsukuda that have any pertinence to the claimed invention is the discussion of the embodiment of Figs. 12-18.

Figs. 12-18 of Tsukuda concern an unmanned delivery operation which utilizes delivery lockers. Control over the key to a suitable locker is passed through suitable notifications to provide secure access to a delivered parcel, and this permits customers to receive their parcels from the locker itself. Tsukuda discloses that unmanned lockers can include a package observation device that tests to see whether a package is within a key-locked box (see step 1606 of Fig. 16 and column 10, lines 45-50). If the parcel is present, then electronic notifications are sent to the distributor and customer generally as described in connection with the first embodiment (see Figs. 10 and 11 and corresponding discussion), namely, such notifications are sent when the distributor delivers the package to the locker and again when the customer retrieves the package (Fig. 18).

The present invention addresses a problem in the art that is only partially addressed by Tsukuda. In the locked-based embodiment of Tsukuda, a package detector is used to advance a process flow with the result that a delivery of a package and a removal of the package each result in an electronic notification being sent out. However, the package detector does not discriminate as

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between the correct delivery and an incorrect delivery, and several packages can be mis-delivered by the distributor and yet each mis-delivery is still a "delivery" that Tsukuda would detect using his package detector and then send a notification. In contrast, the claimed method uses a scanner "positioned within the secure receptacle" to register particular parcels by registering, *after the securing step*, "placement data comprising at least a portion of the delivery instructions on the parcel." The message communicated over the communication link in the claimed message is more reliable in that it includes at least a portion of the scanned delivery instructions from the particular parcel that has been secured within the locked box.

In rejecting claims 1-6, the Patent Examiner cites to column 8, lines 34-39, column 9, line 65 through column 10, line 4 and to column 17, lines 12-19 in support of the proposition that Tsukuda describes a bar code for scanning the placement of a parcel in the lock box. However, Tsukuda never discloses that a scanner be positioned within the locked box for registration after the securing step, and so these claims are not anticipated by Tsukuda. The sole teaching relevant to checking whether or not there are goods inside of the key-locked box is a device such as an "infrared sensor, etc." Tsukuda does not teach or suggest any detection beyond mere "presence" of a package. There is no teaching or suggestion of scanning at least a portion of the delivery instructions from within the receptacle, and hence Tsukuda provides no guarantees at all that the parcel actually secured within a lock box is, in fact, the parcel that was supposed to have been delivered to that lock box.

Dependent claim 40 further illustrates a significant difference over Tsukuda, and has been added to more completely claim the subject matter of the present disclosure. In claim 40, the registering step is recited as comprising the step of "scanning a label on the parcel to obtain the placement data in response to securing the receptacle." Tsukuda does not recognize the problem of checking for the correct package once secured within the locked box, and therefore cannot be seen as either anticipating nor rendering obvious the further features of dependent claim 40.

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Respectfully, these deficiencies in the teachings of Tsukuda warrant reconsideration and withdrawal of the rejections against each of claims 1-10.

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Respectfully submitted,

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